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JPW

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Hissink, et al.	Examiner:	Unassigned
Serial No.:	10/521,126	Art Unit:	Unassigned
Confirm. No.:	6484	Docket:	294-207 PCT/US
Filed:	January 12, 2005	Dated:	July 6, 2006
For:	BIODEGRADABLE PHASE SEPARATED SEGMENTED MULTI BLOCK CO-POLYMERS		

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

*I hereby certify this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 6, 2006.*

Signed: Michelle Flaherty

**DECLARATION OF KEVIN E. McDERMOTT  
IN SUPPORT OF APPLICANTS' PETITION TO THE DIRECTOR  
UNDER 37 C.F.R. 1.181(a) TO WITHDRAW THE HOLDING OF ABANDONMENT**

Sir:

I Kevin E. McDermott hereby declare and state as follows:

1. I am registered to practice in the United States Patent Office. My Registration Number is 35,946.
2. I am duly admitted to practice as an attorney and counselor in the courts of the State of New York since 1989 and in the courts of the State of Connecticut since 1990.

**BEST AVAILABLE COPY**

3. I have been an attorney with the law firm of Hoffmann and Baron, LLP for more than eight years and I am familiar with the docketing system used by the firm and the manner in which incoming mail is received and documented.

4. I am familiar with the file history of patent application Serial No. 10/521,126 (hereinafter referred to as “the present application”) and the circumstances relating to the Applicants’ discovery that the application had become abandoned.

5. On June 9, 2006, a facsimile was received in the offices of Hoffmann & Baron, LLP from Vereenigde, our foreign associates who represent the Applicants, requesting a copy of the Filing Receipt for the present application. A copy of the facsimile is attached hereto as Exhibit A.

6. Prompted by the facsimile from our foreign associates, I obtained the file for the present application from the firm’s file room and searched it for the Filing Receipt and any other communications from the Patent Office. I found that the file did not contain a Filing Receipt, nor did it contain a Notification of Missing Requirements. Moreover, the file did not contain any communications from the Patent Office.

7. On June 15, 2006, I telephoned the PCT Help Desk and spoke to Examiner Richard Ross about the status of the present application. Examiner Ross informed me that the Patent Office database showed that a Notification of Missing Requirements had been mailed on July 14, 2005 but no response had been received and the application had gone abandoned.

Examiner Ross stated that the file was not available at that time and he would contact me when it became available. I telephone Examiner Ross again on June 20, 2006 and he said that the file still was not available.

8. On June 27, 2006, I received a telephone call from Examiner Ross and he said that he had obtained the file for the present application and that he would send me by facsimile a copy of the Notification of Missing Requirements that had been mailed on July 14, 2005. Attached as Exhibit B is a copy of the facsimile.

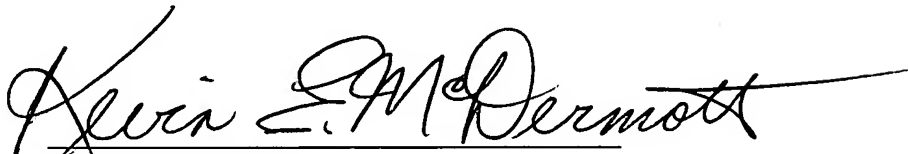
9. Upon receipt of the facsimile from Examiner Ross, I contacted the person in our firm responsible for maintaining a log of all incoming mail and obtained a copy of the mail log for the period from July 14, 2005 through July 25, 2005. These logs show that the Notification of Missing Requirements was not received by our firm during this period. Copies of the daily logs for these dates are attached as Exhibit C.

10. After receiving the facsimile from Examiner Ross, I also contacted our docketing department and obtained a copy of the docket record for September 14, 2005. (The Notification of Missing Requirements set a two-month time period for responding and, therefore, the response would have been due on September 14, 2005.) The non-received Notification of Missing Requirements would have been entered for response by September 14, 2005 had it been received and docketed by our docketing department. A copy of the docket sheet for responses due on September 14, 2005 is attached as Exhibit D. The Response to the Notification of

Missing Requirements is not listed on the docket sheet for September 14, 2005. Accordingly, the firm's docket records indicate that the Notification of Missing Requirements was not received.

11. I hereby declare that all statements made herein are of my own knowledge and are true, and that all statements made on information and belief are believed to be true; and further that the statements have been made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any patent issuing on the present invention.

Dated: July 6, 2006

A handwritten signature in black ink, reading "Kevin E. McDermott", with a long horizontal flourish extending to the right.

Kevin E. McDermott  
Registration No. 35,946

**VEREENIGDE**

Hoffmann & Baron, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
USA

JUN 15 2006

Confirmation Copy

Johan de Wittlaan 7

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Your ref. 294-207 PCT/US  
Our ref. KB/P59948US00

Den Haag,  
June 8, 2006

FACSIMILE TRANSMISSION +1 516 822 3582

Re.: U.S. patent application No. ??  
of Innocore Technologies B.V.

Dear Sirs,

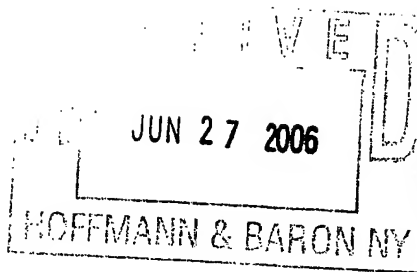
Please send us, in the above mentioned patent application, a copy of the filing receipt at your earliest convenience.

Yours faithfully,  
VEREENIGDE

*H. Bohavie*

Records Department

A007



PCT Help Desk  
United States Patent and Trademark Office  
Mail Stop PCT  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Telephone: (571) 272-4300  
Facsimile: (571) 273-0419

# Facsimile Cover Sheet

To: Kevin McDermott	From: Richard Ross
Fax: 516-822-3582	Pages: 3
Phone:	Date: 6/27/06
Re: 10/521,126	CC:

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Copy of previously mailed Form PCT/DO/EO/905,  
per your request



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/521,126	Catharina Everdina Hissink	294-207 PCT/US

INTERNATIONAL APPLICATION NO.

PCT/NL03/00519

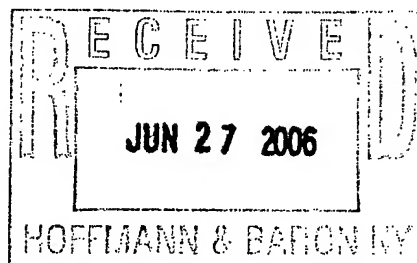
LA. FILING DATE

07/16/2003

PRIORITY DATE

07/16/2002

23869  
 HOFFMANN & BARON, LLP  
 6900 JERICHO TURNPIKE  
 SYOSSET, NY 11791



CONFIRMATION NO. 6484

371 FORMALITIES LETTER



\*OC000000016489846\*

Date Mailed: 07/14/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/12/2005
- Copy of the International Search Report filed on 01/12/2005
- Copy of IPE Report filed on 01/12/2005
- Preliminary Amendments filed on 01/12/2005
- Information Disclosure Statements filed on 04/18/2005
- U.S. Basic National Fees filed on 01/12/2005
- Priority Documents filed on 01/12/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

TERRY M JOHNSON VESSELS

Telephone: (703) 308-9140 EXT 221

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,126	PCT/NL03/00519	294-207 PCT/US

FORM PCT/DO/EO/905 (371 Formalities Notice)



INCOMING MAIL

Date: 7/14/05

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Docket No.	Att'n'y	File Drawer	Typing Table	Att'n'y Office	Return To
117-175	ROS	✓			
117-167	ROS	✓			
117-169	ROS	✓			
163-44 EPO	Daniel/CZ RST	✓			
178-263 PCT/CANADA	RSB	✓			
369-74 PCT/CHINA		✓			
369-123 CIP/II/PCT/CANADA	RSB	✓			
369-185 EPO	LOE LB	✓		—	
442-186 PCT/US	AEB/Kimm	✓		—	
442-203 PCT/US		✓			
717-374 CON/CIP/CON	VICIA BED	✓	✓		
744-45P		✓			
753-46 PCT/CN		✓			
1038-18		✓			
1120-20		X			
1181-23 PCT/US	RS	✓			
1270-2		✓			
1421-71P		✓			
1480-4	Sara RST	✓	—		
294-0		✓			
117-190	ROS	—		—	

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Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
178-327		✓			
187-76		✓			
294-193 PCTLS		✓			
294-205 PCTLS		✓			
392-49 PCTLS		✓			
442-125		✓			
442-207 (x2)		✓			
442-226 PCTLS		✓			
498-282 (700-95)		✓			
500-225 PCT		✓			
577-520 CON		✓			
577-593		x			
577-714 PCT		✓			
717-961 PCTLS		✓			
753-38 PCTLS 669-89 CIP		✓			
760-129 DIV/CIP/CON II		✓			
903-98 PCTLS		✓			
903-123 PCTLS		✓			
1093-96 PCTLS	REM	✓		✓	
1119-9 PCT	276 COP	✓		✓	
1336-20		✓			
1336-31		✓			

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Docket No	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
178-28 BELGIUM	INVOICE	/			
178-28 FRANCE		/			
178-28 GERMANY		/			
178-28 ITALY		/			
178-28 LUXEMBOURG		/			
178-28 NETHERLANDS		/			
178-28 SWEDEN		/			
178-28 U.K.		/			
178-28 EPO		/			
178-28 EPO/SPAIN		/			
178-72 U.K.		/			
165-76	BKD	✓			
136-26 PCA/RUSSIAN FEDERATION		/			
136-27 CIP/PCA/NORWAY		✓			
163-42 EPO		/			
163-49 EPO		/			
178-118 LUXEMBOURG		✓			
178-138 CIP/SPAIN		/			
178-179 CIP/PCA/S. KOREA	SMS	/		/	
178-210 PCA/EPO	ETG	/		/	
178-246 PCA/EPO/France		✓			
178-246 PCA/EPO/SPAIN		✓			

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Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
178-293 POT/END	(KEM)	✓		✓	
178-314		✓			
178-329		✓			
184-2 KOREA	u	✓			
294-39 FWC		✓			
294-39 FWC/DIV		✓			
294-90 POT/US/CON		✓			
294-94 POT/US/CON		✓			
294-142 CIP		✓			
294-142 CIP/DIV	(KEM)	✓	✓		
294-195 POT/US		✓			
294-209 POT/US		✓			
369-123 CIP III/POT/BRAZIL		✓			
369-178 NEW ZEALAND		✓			
442-42		✓			
442-195		✓			
454-3 POT/END	(SAS)	✓		✓	
577-522 CANADA	(KEM)	✓		✓	
577-623 DIV		✓			
578-5		✓			
673-28	(SAS)	✓		✓	
669-124	u	✓			

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Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
717-921	ATK KEM	✓		✓	
753-11 P&W/CON		✓			
753-39 P&W <sup>1574-2 P&amp;W</sup> (x2)		✓			
760-75 DIV		✓			
760-105 DIV/CON/RCE/CON		✓			
760-194		✓			
1040-55		✓			
1093-38 P&W	KEM	✓			
1093-48 P&W		✓			
1093-105 P&W		✓			
1093-114 P&W		✓			
1093-117 P&W		✓			
1119-11 CIP II		✓			
1181-28	AS	✓			
1209-31		✓			
1209-49		✓			
1285-11 P&W/CON		✓			
1336-47	ATK	✓			
1440-3	STZ (circled)	✓	✓		
1457-2 P&W		✓			

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Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
117-115		✓			
120-83		✓			
163-51 / 442-215		✓			
178-298 DIV II	(PCM)	✓		—	
187-91		✓			
212-11		✓			
278-50		✓			
331-35		✓			
364-36 Taiwan		✓			
408-42		X			
442-108 PCT		✓			
442-231		✓			
498-53 CON / 760-114		✓			
498-268 PCT 1760-74 PCT		✓			
498-279 PCT		✓			
512-115	PCM	✓			
575-46		✓			
577-637		✓			
577-649		✓			
577-713		✓			
669-83 RES		✓			
753-36 PCT		✓			



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Date: 7/21/05

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Docket No	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
102-467 EPO/AUSTRIA	CL	✓		✓	
117-16		✓			
128-12 PCT/UK		✓			
136-25 PCT/SINGAPORE		✓			
178-134 EPO/UK		✓			
178-312 PCT/US	JAS (B)	✓		✓	
178-315 PCT/NEW ZEALAND		✓			
178-333		✓			
294-152 PCT/US	STZ	✓			
407-14 CIP/PCT/CANADA		✓			
512-109		✓			
638-9 CIP		✓			
717-797 CON		✓			
717-797 CHINA	CSC	✓		✓	
717-1069	ATD	✓			
902-5		✓			
903-125 PCT/US		✓			
965-2		✓			
1001-59 CIP/PCT/EPO		✓			
1100-93 EPO/FRANCE		✓			
1100-93 EPO/GERMANY		✓			
1100-93 EPO/UK		✓			

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Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
1114-4 EP6	LTE	/			
1119-11 CIP	ET6	/			
1336-50 CANADA	ATK	✓			
1336-61	ATL	✓			
1397-6	ATL	✓			
1421-19 PCF	AT	✓			
1542-3		✓			
117-147		✓			
442-158 PETUS (x2)		✓			
575-69 (x2)		✓			
744-37 PETUS CIP (x2)		✓			
793-4		✓			
1109-3		✓			
1341-2 PCF		✓			
454-3 PCF/AVIATION		✓			
512-30 CIP/PCF/AVIATION		✓			
1567-2 <del>ATK</del>	ATK	✓			

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Docket No.	Attn y	File Drawer	Typing Table	Attn y Office	Return To
106-41		✓			
136-27 P&T/AUSTRALIA		✓			
136-27 CIPII/P&T/AUSTRALIA		✓			
178-134 EPO/GERMANY		✓			
178-134 EPO/IRELAND		✓			
178-149 CIP		✓			
178-246 P&T/EPO/ITALY		✓			
178-263 P&T/CANADA		✓			
182-90 P&T/US		✓			
244-68		✓			
334-204	572	✓			
369-123 CIPII/P&T/CANADA		✓			
442-197	(AEB)	✓		✓	
570-28		✓			
577-700		✓			
717-4 FWC		✓			
717-961	(AEB)	✓	-		
717-1031		X			
812-2 P&T/CANADA		✓			
874-4		✓			
964-3 COSTA RICA	(AEB)	✓	✓		
965-2 DIV		✓			

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Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
1038-13 PCT		✓			
1043-116 PCT/wo (12)	BED	✓			
1336-50	ATN	✓			
1421-19 PCT	AT	✓			
1421-23 PCT		✓			
524-25 DES (02)		✓			
528-3		✓			
583-2		✓			
611-2 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Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
102-471	NT	/			
119-29		/			
182-95 PCT/us/RCE/con		✓			
294-103 PCT/us		✓			
294-166		✓			
442-232	STZ	✓			
442-233	STZ	✓			
442-234	STZ	✓			
498-273	AKT	/		/	
512-101		✓			
577-749P		✓			
717-663		✓			
1093-93 PCT/us		✓			
1093-98 PCT/us		✓			
1093-104 PCT/us	BEA	✓			
1275-3		✓			
1275-17		✓			
1387-10 PCT/us (x2)	NT	✓			
1409-2 RCE/con	NT	✓			
1454-2		✓			
1475-2		✓			
1484-2		✓			

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Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
163-53	STZ	✓			
117-16	RG-S	✓			
136-23 EPO/Spain		✓			
136-27 RET/Enr, Denmark		✓			
178-118 EPO/Sweden		✓			
178-134 EPO/Denmark	INVOICE				
178-218 PCT/Uncl.	ATTN (Joan)	✓	✓		
178-223 PCT/EPO		✓			
178-245 PCT/EPO		✓			
294-218		✓			
294-219 PCT/US		✓			
316-5 Canada	ATK	✓		✓	
442-165 RLB		✓			
442-203 PCT/US /RCB	Michael (STZ)	✓	✓		
454-15 PCT/EPO		✓			
454-16 PCT/EPO		✓			
498-273 PJ		✓			
577-471 PCT/Spain		✓			
577-568 Canada	ATTN (LS)	✓		✓	
577-667 Canada		✓		✓	
577-717 Canada	ATTN (LS)	✓			
579-15		✓		✓	

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Docket No.	Attn y	File Drawer	Typing Table	Attn y Office	Return To
612-10		✓			
715-16		x			
717-294 CIP / Canada		✓			
717-606 DES / Taiwan		✓			
717-1066	(ATK)	—		—	
955-13 PCT/ETP		✓			
1001-21 PCT/Canada		✓			
1001-59 CIP/PCT/S. Korea		✓			
1001-59 CIP/PCT/ETP	(CSL)	✓		—	
1134-4 ET Salvador		✓			
1421-19 PCT (G2)		✓			
1421-23 PCT (G2)		✓			
1537-2	(RST)	—		—	
178-223 PCT/ETP/BELGIUM		✓			
178-223 PCT/ETP/DENMARK		✓			
178-223 PCT/ETP/FRANCE		✓			
178-223 PCT/ETP/GREECE		✓			
178-223 PCT/ETP/SPAIN		✓			
178-223 PCT/ETP/SWITZERLAND		✓			
294-222 PCT/US	(SSB San)	—		—	
408-7 BENELUX	(GTH)	—		—	
1336-47 OIU		—			

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~~1100-93 CANADA (SSA/ATK) EXAM DUE 8/24 (0305)~~  
~~571-678P (RKG) 9/14 9/17 PRIORITY expires (1718)~~  
~~577-687P (SSA) " " error (1750)~~  
~~717-961CIP II (CRH/LES) One month - 2005 Jan. Update (1172)~~  
~~717-961CIP II (CRH/LES) One month (1172)~~  
~~656-2(ROB) Pat. Fee due by 10/14. Adm. C/H 3/1, 8/31 dkt to 10/14 (0001)~~  
~~657-207 (ATK) 3TH of USG DUE dkt to 2/14 (0346)~~  
~~149-48P (VIG/COM) Draft claims were due 8/14 dkt to 10/14 (0094)~~  
~~1448-11 (RUB/SAS) Resp to TM O/A due 9/13 (0010)~~  
~~1336-11 DW (ATK) FIF deadline (TM) - N/A (1015)~~  
~~1441-2 (SAS/AB/CM/CPM) Deadline is 9/14 to oppose dkt to 10/14 (0001)~~  
~~104-3 UK (CRH/ATK) Ann. due. Part 811 aban 7/12 per RCM (0005)~~  
~~512-81 (ROB/ROM) Check status re. follow up on Ltr to A. Powell (RM) (0351)~~  
~~136-24CIP/PT (CRH/ATK) (ROB/SAS) Resp due 8/3 (0152)~~  
~~617-546-6 (RUB/SAS) One month (TM) (0005)~~  
~~617-546-5 (RUB/SAS) " " (TM) (0004)~~  
~~617-546-2 (RUB/SAS) " " (TM) (0006)~~  
~~1421-2 (SAS/AB/CM/CPM) Monitoring US Pub # 2001/0247743 to Wiley move w/ly dkt to 9/14 (0001)~~  
~~617-546-2 (RUB/SAS) (RUB/SAS) Resp due 10/14 dkt to 10/14 (0468)~~  
~~760-152 (SAS/AB/CM/CPM) Check status monitoring it - move weekly dkt to 9/14 (0789)~~  
~~571-622CPO (SAS/ATK/STZ) Inv. dec. due 6/20 (1936)~~  
~~6105-85 (RUB/ATK) Adv. C/H N. Allowed rec'd 8/14 dkt to 9/14 (0106)~~  
~~577-622 (SAS/ATK/STZ) Resp due re: app # 6/10 (1932)~~  
~~760-124 (RUB/ATK) (SAS/ATK) P/A due 9/12 (0692)~~  
~~976-25 (RUB/ATK) IDS due 9/12 (0030)~~  
~~1201-23 (RUB/ATK) File one case today - If paid 9/12 w/ IDS (0139)~~  
~~617-546-118 (RUB/ATK) One month (TM) (0135)~~  
~~90381 (RUB/ATK) Resp to final O/A due (4, 5, 6 dkt to 9/14) RCE (0150) (0086)~~  
~~574-18 (RUB/ATK) " " 9/14 " dkt to 10/14 (1629)~~  
~~1260-4P (SAS/ATK) C/H wants draft pat. app. by today dkt to 10/14 (0003)~~  
~~294-79 (RUB/ATK) Resp to O/A due (4, 5, 6 dkt to 10/14) (0228)~~  
~~1006-8 (SAS/ATK) " " 9/14 (0012)~~  
~~103-114 (RUB/ATK) " " dkt to 10/14 (0120)~~  
~~717-938 (RUB/ATK) IF due 9/12 (1163)~~  
~~571-667 (SAS/ATK) IDS due 10/14 dkt to 10/14 (1798)~~  
~~1260-25 (RUB/ATK) Resp to O/A due 10/14 dkt to 10/14 (1074)~~  
~~1260-25 (RUB/ATK) " " " " (0960)~~  
~~1040-55 (RUB/ATK) Resp to N/A file missing parts due dkt to 10/14 (0064)~~  
~~500-106 (RUB/ATK) Resp to final O/A due under 2 mo RCE (N/A) dkt to 10/14 (0397) (ATA-BLANCE)~~

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